

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICA, *et al.*

Plaintiffs

v.

NCR CORPORATION, *et al.*

Defendants

Case No. 1:10 - CV - 910 - WCG

**DEFENDANT NEWPAGE'S MOTION
FOR ADDITIONAL TIME**

Defendant, NewPage Wisconsin Systems, Inc., respectfully moves the Court for additional time to serve an Answer, Affirmative Defenses and Counterclaim to the First Amended Complaint, and file any Third Party Complaint, to and including February 18, 2011.

In support of its motion, NewPage avers:

1. By operation of Rules 12(a)(1)(A)(ii); 6(a)(1) and 6(d); 5(b)(2)(C),(E), NewPage's Answer was due on December 20, 2010.
2. NewPage was prevented from presenting this motion for additional time before December 20, 2010 due to the illness of its undersigned counsel, the details of which can be provided to the Court, if the Court believes it necessary.
3. The additional time to February 18, 2011 is needed to engage the United States further in settlement negotiations. While there have been intermittent discussions for some months now, it was only last week that NewPage received from the United States a written explanation of the rationale underlying its settlement demand made to

NewPage. Written detail of the nature provided has been found to be necessary for NewPage to engage further with an Indemnitor from which NewPage is seeking participation in any settlement that will be reached. Upon consideration of NewPage's ability to pay the demand made upon it by the United States, the Indemnitor's participation will be critical to the success, or not, of negotiations with the United States.

4. The additional time sought is for the purpose of NewPage trying to reach a settlement with its Indemnitor, and as well a settlement with the United States, without incurring the additional expense of preparing the pleadings necessary to both defend against the United States' claims, and prosecute NewPage's counterclaim(s) and third party claim(s).

5. The additional time sought is not for any purpose of delay, and the United States will not be prejudiced by the Court allowing the additional time requested.

WHEREFORE, NewPage prays its motion for additional time be granted and the time extended to February 18, 2011 to serve its Answers, Affirmative Defenses and Counterclaim and to file any Third-Party Complaint.

Respectfully submitted this 23rd day of December 2010

NEWPAGE WISCONSIN SYSTEMS INC.

By: /s/ Daniel C. Murray

Daniel C. Murray
JOHNSON & BELL, LTD.
Suite 2700
33 West Monroe Street
Chicago, IL 60603-5404
murrayd@jbltd.com
tel. 312 984 0226
fax. 312 372 9818

Certificate of Service

I hereby certify that on December 23, 2010, I electronically filed the attached ***Defendant NewPage's Motion for Additional Time*** with the Clerk of the Court using the CM/ECF system, thereby sending notification of such filing to all attorneys registered in CM/ECF for this case.

/s/ Lisa Morrison

JOHNSON & BELL, LTD.
33 W. Monroe St. #2700
Chicago, IL 60603-5404

2605418